

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**Complaint of Verizon Massachusetts
Concerning Customer Transfer Charges
Imposed by Broadview Networks, Inc.**

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D.T.E. 05-04

**BROADVIEW NETWORK, INC.'S
FIRST SET OF DISCOVERY REQUESTS TO
VERIZON MASSACHUSETTS**

Broadview Networks, Inc. ("Broadview") hereby requests that Verizon Massachusetts ("Verizon") respond to the following combined interrogatories, requests for documents, and requests for admissions (collectively, the "Requests") in accordance with the Procedural Notice issued in the captioned proceeding on March 16, 2005.

INSTRUCTIONS

- A. These Requests are to be answered by the corporate officers, employees, or agents of Verizon who know the requested information and are authorized to respond on behalf of Verizon.
- B. Please answer each question separately and in the order that it is asked. The number of the answers should correspond to the number of the Discovery Request being answered. Please copy each question immediately before the answer.
- C. If you object to any part of a Request, answer all parts of such Request to which you do not object, and as to each part to which you do object, set forth the specific basis for the objection.

D. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a non-written communication, state the following with respect to the non-written communication:

1. The date;
2. The identity of each of the participants in the non-written communication;
3. The identity of each person present during all or any part of the non-written communication;
4. A description of the non-written communication that is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
5. The nature of your claim of non-discoverability (e.g., attorney-client privilege); and
6. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Broadview to make a full determination as to whether your claim is valid.

C. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a Request contained in a document, set forth with respect to the document:

1. The date and number of pages;

2. The identity of the author(s) or preparer(s);
3. The identity of the addressee, if any;
4. The title;
5. The type of tangible thing (*e.g.*, letter, memorandum, telegram, chart, report, recording disc);
6. The subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
7. The identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
8. The identity of the present custodian(s);
9. The nature of your claim of non-discoverability (*e.g.*, attorney-client privilege); and
10. The facts on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Broadview to make a full determination as to whether your claim is valid.

D. If any Request calls for the production of work papers or related documents relied upon by a witness in conducting his/her studies, include all work papers and other documents which were reviewed by the witness, even if the data, opinion, assumptions or recommendations contained in such documents were not used by the witness in his/her testimony.

- E. In response to any Discovery Request seeking the production of documents, produce all responsive documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If the requested documents are kept in an electronic format, produce the requested document in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification or addition to a document (whether in paper form or electronic), including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts, revisions or redlines, each such alteration, modification or addition is to be considered as a separate document and it must be produced.
- F. In response to Discovery Requests requesting you to identify documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail so that they can be produced in response to a separate Discovery Request for production. Such identification shall contain the number (and subpart, if applicable) of the Discovery Request requesting the identification and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any “Bates” or other sequential production numbering for the document or item.
- G. This request is directed to all documents and information in your possession, custody or control. A document is deemed to be in your possession, custody or control if you have possession of the document, have the right to secure such

document or communication from another person having possession thereof, or the document or communication is reasonably available to you (including those documents or communications in the custody or control of your company's present employees, attorneys, agents, or other persons acting on its behalf and its affiliates). In response to requests for production of documents contained in these Discovery Requests, produce the documents, including all appendices, exhibits, schedules, and attachments, that are most relevant to the request. If you are unable to produce a document or information based on a claim that the document is not in your possession, custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

- H. In your response to each Request, list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.
- I. These Requests are continuing in nature and therefore require Verizon to submit supplemental answers or documents should additional responsive information become known or documents supplied in response prove to be incorrect or defective.

DEFINITIONS

As used in these Requests, the following terms shall have the meanings indicated below:

- A. The terms “you,” or “your” refer to Verizon and any and all affiliates of Verizon, including without limitation all former and present officers, attorneys, servants, agents, employees and representatives of Verizon.
- B. The term “Verizon” refers to Verizon Massachusetts and any and all affiliates of Verizon Massachusetts, including without limitation all former and present officers, attorneys, servants, agents, employees and representatives thereof.
- C. The term “Testimony” refers to the Direct Testimony of Bruce F. Meacham and Kevin D. Van Inwegen filed by Verizon in D.T.E. 05-04 on April 15, 2005.
- D. The term “relating to” includes, without limitation, referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.
- E. The terms “identify,” “explain,” “list,” “detail,” “describe,” “specify” or “state” means to set forth fully, in detail, and unambiguously each and every fact of which Verizon or its agents or representatives have knowledge which is relevant to the answer called for by the Request.
- F. The terms “document” and “documents” mean any form of recorded information, including but not limited to any writings or documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to the following: correspondence, letters, memoranda, notes, reports, papers, files,

drawings, graphs, charts, audio or video recordings, photographic images, electronic transmissions, books, contracts, contract amendments or supplements, contract offers, and records of any sort (printed, recorded, or otherwise) of any oral communication whether sent or received or neither, or other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media.

G. The term “communication” includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.

H. The terms “cost study,” “cost studies,” “cost model” and “cost analyses” means the detailed development of a rate element or of rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the derivations of the inputs, that enables a person using the study, studies, model or analyses to start with the support for each input and to then trace the support to the input, and to then be able to trace the input through the methodology to the resulting cost and then to the resulting rate element.

- I. The terms “identify” and “identity” when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.
- J. The terms “identify” and “identity” when used with respect to any other entity mean to state its full name, the address of its principal place of business, and the name of its chief executive officer.
- K. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (*e.g.*, letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but no longer is in the possession of either Verizon or its witnesses or are not subject to its or their control, state what disposition was made of such document and explain the circumstances surrounding, and the authorization for, such disposition, and state the date or approximate date thereof.
- L. The terms “identify” and “identity” with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner, and place of communication, and the topic or subject matter of the communication.

- M. The terms “and” and “or” have both conjunctive and disjunctive meanings as necessary to bring within the scope of the Requests documents that might otherwise be construed to be outside their scope.
- N. The term “any” shall be construed to include “all,” and “all” shall be construed to include “any.”
- O. The past tense includes the present tense and vice-versa.
- P. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate
- Q. The acronym “CSR” refers to Customer Service Record.
- R. The acronym “CLEC” refers to Competitive Local Exchange Carrier.
- S. The acronym “FCC” refers to Federal Communications Commission..
- T. The acronym “LSR” refers to Local Service Request.
- U. The acronym “UNE-P” refers to the Unbundled Network Element Platform.

REQUESTS

- BV-VZ-1: Identify and produce all documents in your possession, including, without limitation, communications, relating to Broadview’s Service Transfer Charges and/or the imposition by Broadview of its Service Transfer Charges on Verizon provided:
- (i) to the Massachusetts Department of Telecommunications and Energy;
 - (ii) to other state regulatory authorities;
 - (iii) internally within Verizon.
- BV-VZ-2: In the Testimony (at page 2, lines 14 – 21), you state that Bruce F. Meacham has testified before state regulatory authorities in

Massachusetts, Rhode Island, New Jersey, the District of Columbia, Maryland and Pennsylvania. Identify and produce all Direct, Rebuttal, Surrebuttal and Supplemental Testimony of Bruce F. Meacham before any federal or state regulatory authority, as well as transcripts of all associated direct, examination, cross examination and redirect examination of Mr. Meacham relating to such testimony .

- BV-VZ-3: Identify and produce all Direct, Rebuttal, Surrebuttal and Supplemental Testimony of Kevin D. Van Inwegen before any federal or state regulatory authority, as well as transcripts of all associated direct examination, cross examination and redirect examination of Mr. Van Inwegen.
- BV-VZ-4: Identify and produce all cost studies, cost of service studies, cost models, cost analyses, testimony, economic analyses, workpapers, calculations and other documents relating to Verizon's Service Order Charge.
- BV-VZ-5: Identify and produce all cost studies, cost of service studies, cost models, cost analyses, testimony, economic analyses, workpapers, calculations and other documents relating to Verizon's Manual Intervention Surcharge.
- BV-VZ-6: Identify and produce all testimony, including all schedules, exhibits and attachments, and other factual materials and documents submitted by Verizon to any regulatory authority for the purpose of contesting charges proposed or levied by a CLEC for facilitating the migration of customers from a CLEC to Verizon, as well as transcripts of all associated direct examination, cross examination and redirect examination.
- BV-VZ-7: Identify and produce the Direct and Rebuttal Testimony of the "Albert Panel," as well as that portion of the transcript of the hearings containing the direct examination, cross examination and redirect examination, if any, of the Albert Panel, in the FCC proceeding *In the Matter of Petition of Cavalier Telephone LLC Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc. and for Arbitration*, WC Docket No. 02-359. Identify each of the Verizon representatives on the Albert Panel.
- BV-VZ-8: Identify and produce all communications by which Verizon disputed the imposition by Broadview of its Service Transfer Charges on Verizon in (i) Massachusetts and (ii) other states and all documents relating to such disputes.
- BV-VZ-9: Identify the date on which, and the means by which, Verizon first was made aware of the availability of Broadview's Web Center.

BV-VZ-10: Has Verizon used the Broadview Web Center to request a CSR or to submit a LSR? If it has done so, (i) has it done so on a trial or on a commercial basis; (ii) over what period of time has it done so (a) on a trial basis and (b) on a commercial basis; and (iii) how many times has it done so (a) on a trial basis and (b) on a commercial basis and within what period of time and within what period of time (a) on a trial basis and (b) on a commercial basis within what period of time? If it has not done so, please explain why it has not done so. If you assert that Verizon has not used the Broadview Web Center to request a CSR or to submit an LSR because it was incapable of doing so, (i) detail why it was so incapable, (ii) indicate whether it is now capable, and (iii) if now capable, indicate when it became capable and why it is now capable?

BV-VZ-11: Identify each function that Verizon must perform in each of the following circumstances:

(i) in the event a customer were to migrate from Verizon retail service to the service of a “full facility-based CLEC”

(ii) in the event a customer were to migrate from Verizon retail service to the service of a CLEC using a mix of its own switching facilities and Verizon loop facilities to serve the customer

(iii) in the event a customer were to migrate from Verizon retail service to the service of a CLEC using exclusively Verizon facilities (UNE-P or resale) to serve the customer.

BV-VZ-12: Identify each function that Verizon must perform in each of the following circumstances:

(i) a customer disconnects service because it is moving to another state

(ii) a customer’s service is disconnected following the customer’s death

(iii) a customer disconnects its landline service because it intends to rely exclusively on its wireless service and does not wish to retain its landline telephone service.

BV-VZ-13: Confirm or deny that when Verizon “wins” a customer from Broadview it:

(i) requests a CSR from Broadview

(ii) submits a LSR to Broadview

(iii) contacts Broadview to determine the status of LSR which it has submitted

(iv) resubmit an LSR rejected by Broadview as incomplete or inaccurate.

BV-VZ-14: Confirm or deny that when Verizon simply disconnects a customer by reason of the customer's death, move to another state or otherwise, it does not:

(i) request a CSR from any carrier

(ii) submit a LSR to any carrier

(iii) contact any carrier to determine the status of LSR which it has submitted

(iv) resubmit to any carrier an LSR rejected by the carrier as incomplete or inaccurate.

BV-VZ-15: Provide the basis, including specific citations to FCC Orders, for your statement in the Testimony (at page 4, lines 6 – 16) that the FCC has made clear that the costs of receipt and confirmation of an LSR is "properly classified as 'customer-specific costs directly related to providing number portability'" and that the FCC has exclusive regulatory jurisdiction over rates set to recover such costs."

BV-VZ-16: Define "wholesale service" and "wholesale function" as these terms are used throughout the Testimony.

BV-VZ-17: Explain why Verizon imposes a Manual Intervention Surcharge when a CLEC elects to submit a request by facsimile rather than utilize Verizon's electronic interfaces.

BV-VZ-18: Indicate whether Verizon's use of manual rather than electronic means to request a CSR or submit an LSR through manual rather than electronic means is determined by Verizon or by the customer associated with the CSR and LSR.

BV-VZ-19: In the Testimony (at page 11, lines 11 – 18) you state that "[t]he factual finding made by the WCB . . . that 'Cavalier's work in connection with a Verizon winback is similar in purpose and scope to the work that Verizon is responsible for performing when Cavalier submits a local service request to Verizon to move a customer from Verizon to Cavalier' . . . is simply incorrect." Please confirm or deny that both Verizon and a CLEC do not both (i) process requests for CSRs, (ii) accept, confirm the accuracy and completeness of and process LSRs,

(iii) place in jeopardy and or reject inaccurate and incomplete LSRs, (iv) field status inquiries regarding LSRs, and/or (iv) establish and issue firm order confirmation dates in conjunction with migrations of customers to and from each other.

- BV-VZ-20: In the Testimony (at page 11, lines 19 – 20) you state that “Verizon’s MA’s Service Order charges recover the costs of installing a UNE loop used by a CLEC to serve a Verizon MA customer that has transferred to the CLEC.” Provide the cost studies, cost of service studies, cost models, and economic and/or cost analyses supporting this statement. Detail which “UNE loop installation” costs are recovered by Service Order charges and which are recovered by Service Connection and other installation charges.
- BV-VZ-21: In the Testimony (at page 12, lines 1 – 2) you make reference to the “provisioning tasks that are covered in Verizon MA’s Service Order charges.” Identify each and all of the referenced “tasks.”
- BV-VZ-22: In the Testimony (at page 13, lines 5 – 7) you state that “[t]he costs for the service order activities that Broadview claims it performs when a Broadview customer switches service to Verizon MA or another CLEC are not for services that Verizon MA or other CLECs need to effectuate customer migrations.” Confirm or deny that Verizon does not need to secure a CSR from, or submit an LSR to, “effectuate a customer migrations.”
- BV-VZ-23: In the Testimony (at page 14, lines 12 – 15) you make reference to “D.T.E. 01-20-A, Nonrecurring Cost Model.” Produce a copy of the referenced Nonrecurring Cost Model.
- BV-VZ-24: In the Testimony (at page 17, lines 1 – 6) you state that “[t]he ‘services Broadview claims to perform in response to a transfer of a customer’s service to Verizon MA . . . not requested by Verizon MA, are not necessary to allow the migration of the customer’s service to Verizon MA, and provide no benefit to Verizon MA.’ Please confirm or deny that the provision to Verizon of a CSR and the acceptance and processing of an LSR, as well as communications with Verizon relating to an LSR, (i) are services not requested by Verizon, (ii) are not necessary to allow the migration of a customer’s service to Verizon, and (iii) provide no benefit to Verizon.
- BV-VZ-25: Identify each CLEC that imposes on Verizon or is authorized to impose on Verizon any charge associated with the migration of a customer from the CLEC’s service to Verizon’s retail service and for each CLEC so identified, (i) identify the state in which the CLEC imposes or is

authorized to impose such charges, (ii) identify the charges, and (iii) the order authorizing the imposition of such charges.

BV-VZ-26: List in detail each task or activity that is included in (i) the Service Order Charge and (ii) the Manual Intervention Surcharge.

BV-VZ-27: Confirm or deny that Verizon incurs costs when it (i) processes requests for CSRs, (ii) accepts, confirms the accuracy and completeness of and processes LSRs, (iii) places in jeopardy and or rejects inaccurate and incomplete LSRs, (iv) fields status inquiries regarding LSRs, and/or (iv) establishes and issues firm order confirmation dates. In your response, treat separately circumstances in which the activities are occasioned by electronic requests and manual requests.